

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

DERRICK VALENTINE,

Plaintiff

v.

STATE OF NEVADA, *et al.*,

Defendants

Case No. 2:23-cv-00273-GMN-BNW

ORDER

I. DISCUSSION

On June 6, 2023, this Court granted Plaintiff Derrick Valentine, an inmate in the custody of the Nevada Department of Corrections (“NDOC”), an extension of time to file a fully complete application to proceed *in forma pauperis* or to pay the full filing fee for a civil action. (ECF No. 9). In response, Plaintiff filed his financial certificate and an inmate account statement but did not file the 3-page application form. (ECF No. 10). Plaintiff’s application to proceed *in forma pauperis* is incomplete.

The United States District Court for the District of Nevada must collect filing fees from parties initiating civil actions. 28 U.S.C. § 1914(a). The fee for filing a civil-rights action is \$402, which includes the \$350 filing fee and the \$52 administrative fee. See 28 U.S.C. § 1914(b). “Any person who is unable to prepay the fees in a civil case may apply to the court for leave to proceed *in forma pauperis*.” Nev. Loc. R. Prac. LSR 1-1. For an inmate to apply for *in forma pauperis* status, the inmate must submit **all three** of the following documents to the Court: (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, which is pages 1–3 of the Court’s approved form, that is properly signed by the inmate twice on page 3; (2) a completed **Financial Certificate**, which is page 4 of the Court’s approved form, that is properly signed by both the inmate and a prison or jail official; and (3) a copy of the **inmate’s prison or jail trust fund account statement for the previous six-month period**. See 28 U.S.C. § 1915(a)(1)–(2); Nev. Loc. R. Prac. LSR 1-2. *In forma pauperis* status does not relieve an inmate of his or her

1 obligation to pay the filing fee, it just means that the inmate can pay the fee in installments.
2 See 28 U.S.C. § 1915(b).

3 As explained above, Plaintiff's application to proceed *in forma pauperis* is
4 incomplete. The Court will grant Plaintiff an extension of time to either pay the filing fee
5 or file the 3-page application.

6 **II. CONCLUSION**

7 For the foregoing reasons, it is ordered that the Clerk of the Court will send Plaintiff
8 the approved form application to proceed *in forma pauperis* by an inmate, as well as the
9 document entitled information and instructions for filing an *in forma pauperis* application.

10 It is further ordered that Plaintiff has **until September 20, 2023**, to either pay the
11 full \$402 filing fee or file a completed application to proceed *in forma pauperis* for inmate,
12 which is pages 1–3 of the Court's approved form, that is properly signed by the inmate
13 twice on page 3.

14 Plaintiff is cautioned that this action will be subject to dismissal without prejudice if
15 Plaintiff fails to timely comply with this order. A dismissal without prejudice allows Plaintiff
16 to refile the case with the Court, under a new case number, when Plaintiff can file a
17 complete application to proceed *in forma pauperis* or pay the required filing fee.

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19 DATED: 8/23/2023

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22 THE HONORABLE BRENDA WEKSLER
23 UNITED STATES MAGISTRATE JUDGE
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